



## ARKANSAS SECRETARY OF STATE

### MARK MARTIN

March 18, 2016

Honorable Michael E. Gans  
Clerk of Court  
U.S. Court of Appeals for the Eighth Circuit  
Thomas F. Eagleton U.S. Courthouse – Rm 24.329  
111 S. 10<sup>th</sup> Street  
St. Louis MO 63102

*Via CM/ECF Only*

Re: Moore v. Martin, Secretary of State  
Eighth Circuit Case No. 15-3558  
Oral Argument Conflicts anticipated – September and October, 2016

Dear Mr. Gans:

This responds to the Notice concerning oral argument in the above-styled matter.

I anticipate that I will have a scheduling conflict during the oral arguments currently proposed for September 19 to 23; and October 17 to 21, 2016. While I do not have an actual conflict yet, if things follow the same course of events as has happened during the last two election cycles, Secretary of State will be a party to emergency litigation concerning access to the Arkansas general election ballot during that time. These types of cases are filed directly in the Arkansas Supreme Court. Scheduling and disposition of these cases ordinarily must take place before September 24, the uniform UOCAVA ballot delivery deadline for military and overseas absentee ballots. In addition, certain issues must be resolved before in-person early voting begins on October 24.

**I ask you not to schedule the above-styled matter for oral argument during September and October of 2016 as a result.** By copy of this letter (filed with the CM/ECF system), I hereby notify all other counsel of record of my objections, as their issue is an Independent Candidate challenge to Arkansas' ballot access requirements (for the 2014 and 2018 elections).

Thank you for your courtesies. With warmest and very best personal regards, I am,

Yours very truly,

AJ Kelly  
General Counsel and  
Deputy Secretary of State

